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| LARRY JUNIOR WEBSTER, |) | NO. CIV S-93-0306 LKK DAD DP |
| |) | |
| Petitioner, |) | |
| |) | <u>DEATH PENALTY CASE</u> |
| v. |) | |
| |) | |
| S.W. ORNOSKI, Acting Warden |) | |
| of the California State Prison |) | |
| at San Quentin, |) | FURTHER SCHEDULING ORDER |
| |) | |
| Respondent. |) | |
| |) | |
| |) | |

1. The Court deems the arguments presented in the respondent's status report filed 9/25/07 to be respondent's motion for reconsideration of the discovery order filed on May 22, 2007 (Docket # 336), based upon trial counsel's deposition testimony. Having considered respondent's request as a request for reconsideration, the request for reconsideration is denied for reasons set forth in the original order.

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2. Petitioner will be allowed to present testimony from a *Strickland*¹ expert witness in connection with the claim of ineffective assistance of counsel at penalty phase. Petitioner has until October 31, 2007, to designate the expert witness and submit testimony by declaration accompanied by copies of exhibits and any documents submitted under Rule 7 of the Rules Governing § 2254 cases.
3. Respondent shall give notice within 14 days of the filing of the designation and declaration of petitioner's *Strickland* expert witness whether respondent intends to designate a rebuttal expert witness. Should respondent intend to designate a rebuttal expert witness, the parties are directed to confer and attempt to work out a schedule for the submission of the rebuttal expert's testimony.
4. The deposition of petitioner's *Strickland* expert witness shall be completed by December 31, 2007.
5. The parties shall submit briefing on the claim of ineffective assistance of counsel at the penalty phase according to the following schedule: Petitioner shall submit opening briefing by February 15, 2008; Respondent shall submit briefing by March 17, 2008; any reply briefing by petitioner shall be submitted by April 1, 2008.
6. In all other respects, this Court's scheduling order of August 2, 2007 (Docket # 351), remains in effect.

DATED: September 26, 2007.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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¹*Strickland v. Washington*, 466 U.S. 668 (1984).

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